

**REPORT TO:** CABINET

**DATE:** 14 OCTOBER 2021

**TITLE:** TIMETABLE FOR LOCAL PLAN REVIEW

**PORTFOLIO HOLDER:** COUNCILLOR MICHAEL HARDWARE,  
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**This is not a Key Decision**  
**It is on the Forward Plan as Decision Number I012710**  
**Call-in Procedures may apply**  
**This decision will affect no ward specifically.**

**RECOMMENDED that Cabinet:**

- A** Endorses the proposed approach and timetable for the production of the Harlow Local Development Plan Review
- B** Subject to recommendation A, approves the Local Development Scheme (LDS) as set out in Appendix A to this report.
- C** Cabinet notes the timetable for the production of the Community Infrastructure Levy (CIL) Charging Schedule

#### **REASON FOR DECISION**

- A** To establish an agreed way forward in respect of reviewing the Harlow Local Development Plan (HLDP) in order to comply with the Planning Inspector's Final Report into the HLDP Examination process.
- B** To agree a timetable for the HLDP Review. The timetable will be set out in an updated Local Development Scheme (LDS) which will present the stages of production, consultation, Examination and adoption in accordance with the Planning and Compulsory Purchase Act (2004) as amended.

- C** To agree a timetable for the production of a Community Infrastructure Levy (CIL) Charging Schedule for Harlow. The timetable will be set out in an updated Local Development Scheme which will present the stages of production, consultation, Examination and adoption in accordance with the CIL Regulations (2010) as amended.

## **BACKGROUND**

1. The HLDP was adopted in December 2020 and contains a number of strategic policies, site allocations and development management policies accompanied by a Policies Map. It sets the development framework for Harlow to 2033. It was adopted following an extensive consultation and examination process which resulted in a number of modifications to the Plan to make it sound.
2. The Planning Inspector for the HLDP Examination issued his final report in November 2020. This report concluded that the HLDP provided an appropriate basis for the planning of the district until 2033 provided that modifications were made. The report also stated, however, that an early review of the HLDP would be required in order to consider the following matters:

### **a) Policy H3: Houses in Multiple Occupation**

- i) Policy H3 of the HLDP introduces a limit on the number of Houses in Multiple Occupation (HMOs) to one in a row of five units. The Inspector's report states that 'HMOs provide valuable accommodation and increase housing choice but an undue concentration in any area may have a detrimental impact and reduce the availability of family housing. Given current evidence a one in five limit is justified at the outset but to ensure the plan is effective MM21 is necessary to require an early review of the policy'. MM21(main modification) added the following wording to Policy H3: 'The effectiveness of this policy and the one-in-five restriction should be reviewed two years after the adoption of this Local Plan'.

### **b) Changes to the Town and Country Planning (Use Classes) (Amendment 2020)**

- i) Subsequent to the Main Modifications consultation, changes were made to the Use Classes Order which would impact upon the text, but not the principle, of some of the HLDP policies. The Inspector's report stated that 'these changes were announced very late in the examination process and full consideration of their implications would significantly delay adoption of the plan.....the Council consider these changes should be addressed through a review of the plan rather than causing any further delay and I agree with this approach'.

- ii) A note has already been prepared explaining how policies in the HLDP that refer to specific use classes should be applied in light of changes to the Use Class Order. However, to avoid any confusion with the public, applicants and developers, the HLDP should be amended to refer to the new Use Classes Order. This is not considered to be a substantive change to the HLDP.
- 3. The Council is required to prepare and keep an up to date the Local Development Scheme (LDS) setting out the timetable of production of development plan documents and, where applicable, supplementary planning documents. The latest LDS was prepared in 2018 and needs to be updated to reflect the fact that the HLDP has now been adopted and to set a timetable for the HLDP Review. This document is not, however, subject to public consultation.
- 4. The LDS must also be updated to set out a timetable for the production of a CIL Charging Schedule. Officers are currently undertaking viability evidence to determine whether a CIL charge is viable in Harlow and what development uses (e.g. housing, employment etc) could be charged as an appropriate CIL rate. If it is viable to set a CIL rate on new development in Harlow the Council will move towards preparing a CIL Charging Schedule in accordance with CIL Regulations. Preparing a CIL Charging Schedule includes formal consultation, submission to the Planning Inspectorate and an Examination process and, therefore, a timetable must be formally set out in an LDS.
- 5. The LDS must be updated to reflect other policy documents that will be prepared and the stages of their production and consultation. This includes the development of the Town Centre Masterplan Framework Supplementary Planning Document (SPD). The LDS will continue to be reviewed and updated as the need arises.

## **ISSUES/PROPOSALS**

- 6. In order to comply with the Inspector's report and the requirements of Policy H3 of the HLDP, an early Review of this policy is required in order to determine whether it is still fit for purpose, particularly the one-in-five restriction. Policy H3 states that this will be reviewed two years after adoption i.e. December 2022. This will give the Council time to monitor the effectiveness of this policy and decide whether it should remain in place, be removed or amended. Any changes to this Policy will be consulted on in accordance with the Council's Statement of Community Involvement (SCI) and submitted to the Planning Inspectorate for Examination, if an Examination process is considered appropriate.
- 7. The Review will also look to amend policies that currently refer to the old Use Classes Order to ensure they now align with the new uses.
- 8. The National Planning Policy Framework (NPPF) requires policies in local plans to be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary. Reviews should be completed no later than 5 years from the adoption date of a plan, and should take into

account changing circumstances affecting the area, or any relevant changes in national policy. The remainder of the HLDP policies are still, however, considered to be effective and do not require early review through the statutory plan making process at this stage.

9. The effectiveness of the HLDP policies will therefore be monitored through the Authority Monitoring Report (AMR). An AMR is a statutory requirement of the Town and Country Planning (Local Planning) 2012 regulations and as well as monitoring the production of development plan documents and the delivery of housing targets it must also monitor the implementation of policies. This will be produced annually and will enable officers to make recommendations as to whether further HLDP reviews are necessary and what policies may need to be removed, amended or added in the five year review period.
10. However, only a partial review of the HLDP is required at present to deal with the two matters highlighted above. A timetable for the production of this Local Plan Review is set out in the LDS in Appendix A. It shows adoption of the HLDP Review in September 2024.
11. The LDS has also been amended to set out the stages for the production of the CIL Charging Schedule. This sets an implementation date of October 2022.
12. The updated LDS is to be published on the Council's website and circulated to interested parties. Officers will now begin preparing the background work for the HLDP Review, gathering intelligence and evidence to support the changes that may be required to the Plan.
13. Evidence is also being prepared to help justify the viability of CIL in Harlow. This will support the development of a draft CIL Charging Schedule for consultation in the New Year.
14. Officers will also be preparing the 2020/21 AMR for publication.

## **IMPLICATIONS**

### **Environment and Planning (Includes Sustainability)**

As contained in the report.

**Author: Andrew Bramidge, Director of Strategic Growth and Regeneration**

### **Finance (Includes ICT, and Property and Facilities)**

None specific.

**Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance**

### **Housing**

As contained in the report.

**Author: Andrew Murray, Director of Housing**

## **Community Wellbeing**

None specific.

**Author: Jane Greer, Director of Communities and Environment**

## **Governance (Includes HR)**

As contained in the report.

**Author: Simon Hill, Director of Governance and Corporate Support**

## **Appendices**

Appendix A – Local Development Scheme 2021

## **Background Papers**

Harlow Local Development Plan - <https://www.harlow.gov.uk/planning-and-building-control/planning-policy/harlow-local-development-plan/harlow-local>

Local Development Scheme - <https://www.harlow.gov.uk/planning-and-building-control/planning-policy/new-local-plan/local-development-scheme>

Statement of Community Involvement - <https://www.harlow.gov.uk/planning-and-building-control/planning-policy/statement-community-involvement>

Inspector's Final Report November 2020 - <https://www.harlow.gov.uk/planning-and-building-control/planning-policy/new-local-plan/local-plan-examination/local-plan-1>

Town Centre Masterplan Framework SPD

## **Glossary of terms/abbreviations used**

HLDP – Harlow Local Development Plan

LDS – Local Development Scheme

SPD – Supplementary Planning Document

CIL – Community Infrastructure Levy

HMOs – Houses in Multiple Occupation